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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,471	12/15/2000	Peter M. Black	600189-186	9663
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YAHOO! INC. C/O DREIER LLP 499 PARK AVENUE NEW YORK, NY 10022				
EXAMINER				
FRENEL, VANEL				
ART UNIT		PAPER NUMBER		
3687				
MAIL DATE		DELIVERY MODE		
10/06/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/738,471

**Applicant(s)**

BLACK ET AL.

**Examiner**

VANEL FRENEL

**Art Unit**

3687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-28, 30, 33, 37 and 46-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-28, 30, 33, 37, 46-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

**DETAILED ACTION**

Notice to Applicant

1. This communication is in response to the Correspondence filed on 6/03/08.

Claims 25-28, 30, 33, 37 and 46-50 are pending.

2. Applicant's argument filed on 6/03/08 have been persuasive, therefore the previous Office Action has been withdrawn and a new Office Action is hereby presented

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25-28, 30, 33, 37 and 46-50 are rejected under 35 U.S.C. 102(b) as being Shapira et al. (6,925,442).

As per claim 25, Shapira discloses the method wherein the selected file is at least one of a link, a document, and or a thumbnail (See Shapira, Col.5, lines 40-50).

As per claim 26, Shapira discloses the method further comprising:

receiving notice of a user request for the web page, said user request being received after the execution of said selecting (See Shapira, Col.5, lines 4-18).

As per claim 27, Shapira discloses the method wherein said parsing comprises: performing a statistical word frequency analysis of the content to discover the one or more keywords (See Shapira, Col.21, lines 44-58).

As per claim 28, Shapira discloses the method wherein analyzing at least one metatag in the web page to discover the one or more keywords (See Shapira, Col.21, lines 44-58).

As per claim 30, Shapira discloses the method wherein said analyzing is executed to detect a plurality of contexts for the web page, and wherein said selecting is executed to select a plurality of products corresponding to the plurality of contexts, the method further comprising: ranking the plurality of contexts and the plurality of products (See Shapira, Col.1, lines 42-57).

As per claim 33, Shapira discloses the method wherein said analyzing is executed to detect a plurality of contexts for the requested web page, and wherein said selecting is executed to select a plurality of products corresponding to the plurality of contexts, the method further comprising:

contexts, the method further comprising: ranking the plurality of contexts and the plurality of products, such that said displaying is executed to display the plurality of products in accordance with the ranking (See Shapira, Col.1, lines 58-67 to Col.2, line 16).

As per claim 37, Shapira discloses the method further comprising:  
receiving notice of a user request for the web page, said user request being received prior to the execution of said analyzing or said selecting (See Shapira, Col.5, lines 4-18).

As per claim 46, Shapira discloses a computer implemented method of selecting at least one file representing at least one product, the file relating to a web page on the World Wide Web (See Shapira, Col.4, lines 7-26), the method comprising:  
receiving the web page having content therein (See Shapira, Col.6, lines 47-61);  
analyzing the web page to detect a context for the webpage using a statistical analysis of the web page content (See Shapira, Col.1, lines 27-41); selecting at least one file representing at least one product related to the detected context (See Shapira, Abstract; Col.1, lines 27-41).

As per claim 47, Shapira discloses the method of claim 46, wherein said analyzing comprises: parsing the content of the web page to discover one or more keywords published as part of the content (See Shapira, Col.21, lines 44-58);

and evaluating the one or more keywords to detect the context (See Shapira, Col.21, lines 44-58).

As per claim 48, Shapira discloses the method wherein said evaluating comprises: comparing the one or more keywords with a synonym to detect the context (See Sapira, Col.21, lines 44-58).

As per claim 49, Shapira discloses a method of selecting and displaying at least one file representing at least one product, the file relating to a web page on the World Wide Web (See Shapira, Col.4, lines 7-26), the method comprising: receiving notice of a user request for a web page (See Shapira, Col.5, lines 4-18); receiving the requested web page having content therein (See Shapira, Col.6, lines 47-61); analyzing the web page to detect a context for the webpage using a statistical analysis of the web page content (See Shapira, Col.1, lines 27-41); selecting at least one file representing at least one product related to the detected context (See Shapira, Abstract; Co1.1, lines 27-41); producing a second page including the requested web page and the file (See Shapira, Col.5, lines 4-62); and displaying the second page to the user (See Shapira, Fig.6; Col.5, lines 4-19).

As per claim 50, Shapira discloses a computer readable storage medium including computer executable code for selecting at least one file representing at least one product, the file relating to a web page on the World Wide Web, the code enabling

the steps of: receiving the web page having content herein (See Shapira, Col.4, lines 7-26; Col.5, lines 4-27); analyzing the web page to detect a context for the web page using a statistical analysis of the web page content (See Shapira, Col.1, lines 27-41); and selecting at least one file representing at least one product related to the detected context (See Shapira, Abstract; Co1.1, lines 27-41).

The Examiner has pointed out particular references contained in the prior art of record in the body of this Office Action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures as well . It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all passages in the cited references as potentially teaching all or part of the claimed invention.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied prior art teaches system and method for delivering customized advertisements within interactive communication system (5,933,811), method of delivery, targeting, and measuring advertising over networks (5,948,061) and classification method and apparatus (6,976,207).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/  
Examiner, Art Unit 3687  
September 30, 2008